



Setti D. Warren  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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|                                |                  |
|--------------------------------|------------------|
| Public Hearing Date:           | July 27, 2010    |
| Land Use Action Date:          | October 12, 2010 |
| Board of Aldermen Action Date: | October 18, 2010 |
| 90-Day Expiration Date:        | October 28, 2010 |

DATE: July 23, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development  
Derek Valentine, Senior Planner

SUBJECT: Petition #139-10 9 (2) MAX & MARJORIE SCHECHNER petition for a SPECIAL PERMIT/ SITE PLAN APPROVAL/ EXTENSION OF NONCONFORMING STRUCTURE to add a shed dormer approximately 88% of the length of the rear of an existing two-family residence and to waive the dimensional requirements for parking spaces at 8-10 HATFIELD ROAD, Ward 3, on land known as Sec 34, Blk 18, Lot 1, containing approx 7,370 sq ft of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t) (a), 30-19(g) and (m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



### **EXECUTIVE SUMMARY**

The petitioners are proposing to add a shed dormer to the rear of a two-family residence at 8-10 Hatfield Road. The existing residence is located on a 7,370 sq. ft. corner lot. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade of the roof that will be visible from Lodge Road. The proposed rear shed dormer is wider than 50% of the length of the exterior wall of the story below it. In order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen. The applicant was advised by Planning staff that increasing the skirt of the dormer to two feet would be desirable and would better meet the intent of the ordinance.

The proposed dormer allows an expanded living area with no changes to the footprint of the existing structure. The *2007 Newton Comprehensive Plan* encourages preservation of existing residential neighborhoods and encourages modestly-sized additions to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This petition addresses those needs by modifying an existing two-family home while keeping in scale with the other houses in the immediate neighborhood.



***View of front of residence (top) and view rear of house  
from Lodge Road where dormer is proposed (bottom)***

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the proposed dormer would be consistent with the size, scale and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Hatfield Road, off Waltham Street near the Waltham border. It is located within a Single Residence 3 District where the neighborhood includes a mix of single- and two-family residences. The earliest existing houses built in the neighborhood were built in the 1870s. A second wave of houses was built in the 1930s. The house on the subject property and those in the immediate vicinity were built between the mid-1940s and the mid-1950s. The majority of the lots are between 6,000 and 8,000 sq. ft. while several lots are greater than 9,000 sq. ft. or smaller than 4,000 sq. ft. The immediate vicinity of the subject property is characterized by houses in the Colonial Revival style.

B. Site

The 7,370 sq. ft. corner lot is relatively flat and is of average size for the early twentieth century houses in the neighborhood.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the two-family residence are proposed.

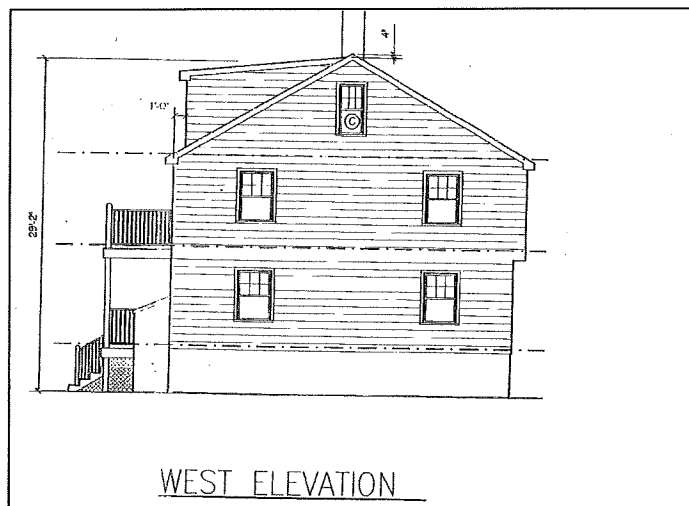
B. Building and Site Design

The existing house is a two-story Colonial Revival residence with a pitched roof built in 1954. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade. The new attic level will contain two bedrooms and a bathroom. No other changes to the site are proposed at this time.

In response to comments and concerns from the June 15, 2010 public hearing, the dormer is now centered on the existing roof. During the June 15<sup>th</sup> hearing, the length of the dormer was proposed as 24' and placed off-center. The new proposal is for a 30'-long dormer set back three feet from the vertical plane of the intersection of the roof and the main wall on both the west and east ends of the dwelling. This is consistent with the intent of 30-15(b) to avoid creating the appearance of a full third



story. The dormer is set back from the rear wall of the house with a one-foot skirt so as not to create the appearance of an uninterrupted wall plane from the floor below. The applicant was advised by Planning staff that a skirt greater than the proposed one foot would better fit the intent of the ordinance.



*Proposed south elevation (top) and proposed west elevation (bottom)*

C. Landscape Screening and Lighting

The petitioners did not submit a landscape or lighting plan, nor was one necessary for this project.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages preservation of existing neighborhoods. The Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This renovation will help ensure that the house will be usable for current and future residents.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15 and 30-19). The Zoning Review Memorandum, dated May 11, 2010 (*SEE ATTACHMENT "C"*), provides an analysis of the proposal with regard to Section 30-15, Table 1, and Section 30-19. A special permit is required to construct a dormer wider than 50% of the exterior wall below. In addition, the proposed parking area is not large enough to contain four conforming stalls. Although no changes are proposed to the driveway, the petitioner has not shown that these spaces are legally nonconforming. Therefore, a special permit is required for the undersized parking spaces.

B. Other Reviews

1. Engineering. No Engineering review was required for this project.
2. Fire Department. No review of this project for Fire Department accessibility is required.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated May 11, 2010 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-15(t)(a), to allow a dormer wider than 50% of the exterior wall below
- Section 30-19(g) and (m) to waive the dimensional standard for the parking spaces
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

*Note that a variance is not required for the proposed plan because the plan does not include the two-story deck that was included on the plan reviewed by the Chief Zoning Code Official.*

VII. Summary of Petitioner's Responsibilities

The Planning Department recommends increasing the size of the dormer skirt to break up the vertical plane of the dwelling, consistent with the intent of Section 30-15(t)(a).

**ATTACHMENTS**

**ATTACHMENT A:**      *Zoning Map*  
**ATTACHMENT B:**      *Land Use Map*  
**ATTACHMENT C:**      *Zoning Review Memorandum, dated May 11, 2010*  
**ATTACHMENT D:**      *Draft Board Order*

# Zoning Map

8-10 Hatfield St.  
and Vicinity

City of Newton,  
Massachusetts

| Legend |                       |
|--------|-----------------------|
|        | Building Outlines     |
|        | Single Res. 1         |
|        | Single Res. 2         |
|        | Single Res. 3         |
|        | Business 1            |
|        | Business 2            |
|        | Business 4            |
|        | Business 5            |
|        | Limited Manufacturing |
|        | Manufacturing         |
|        | Multi-Res. 1          |
|        | Multi-Res. 2          |
|        | Multi-Res. 3          |
|        | Multi-Res. 4          |
|        | Mixed Use 1           |
|        | Mixed Use 2           |
|        | OS/Rec.               |
|        | Public Use            |
|        | Surface Water         |

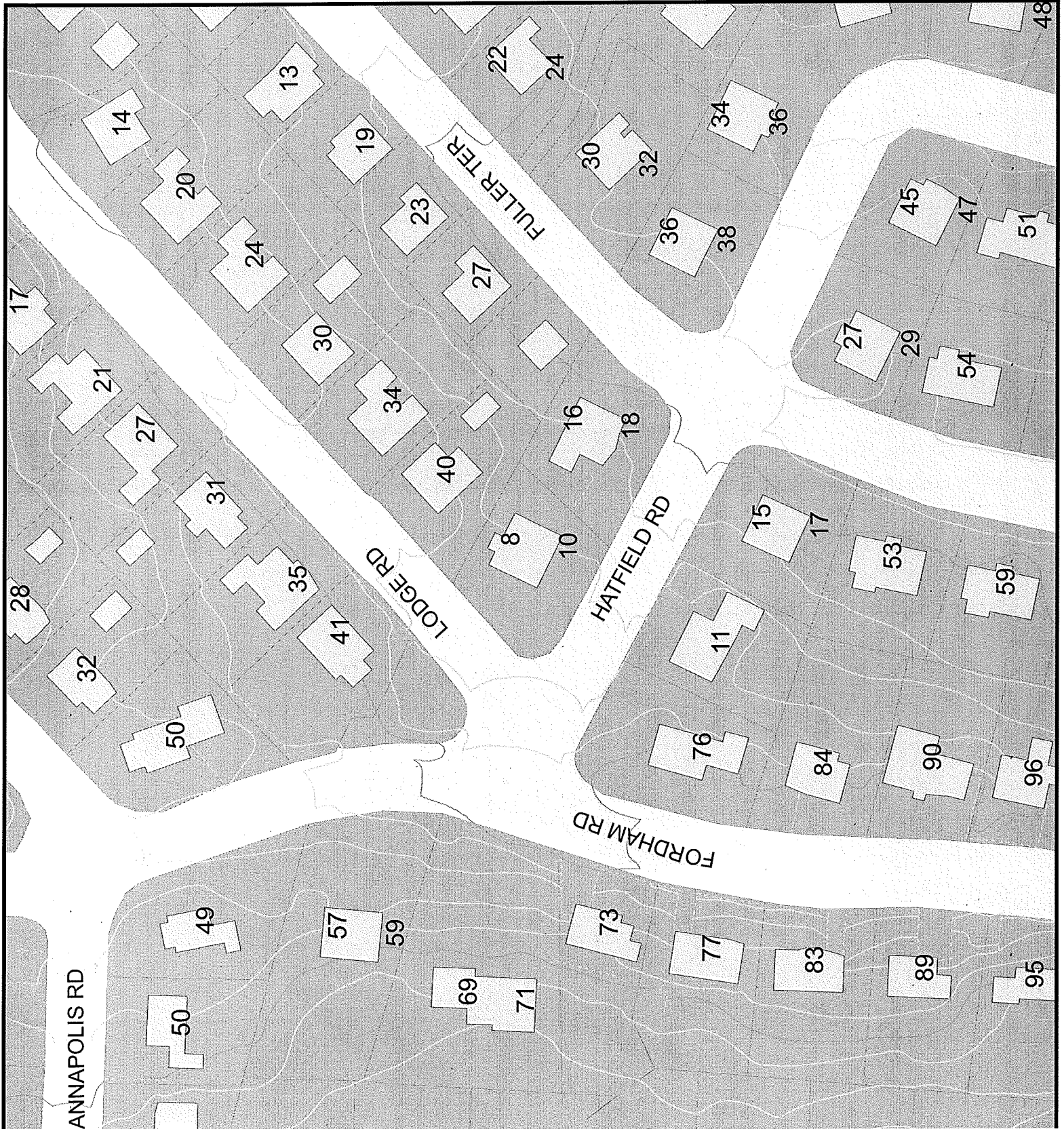
ATTACHMENT A



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purpose. City department approvals are based on the information provided.



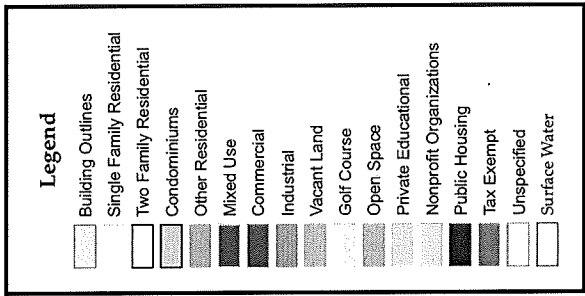
MAP DATE



# Land Use Map

8-10 Hatfield St.  
and Vicinity

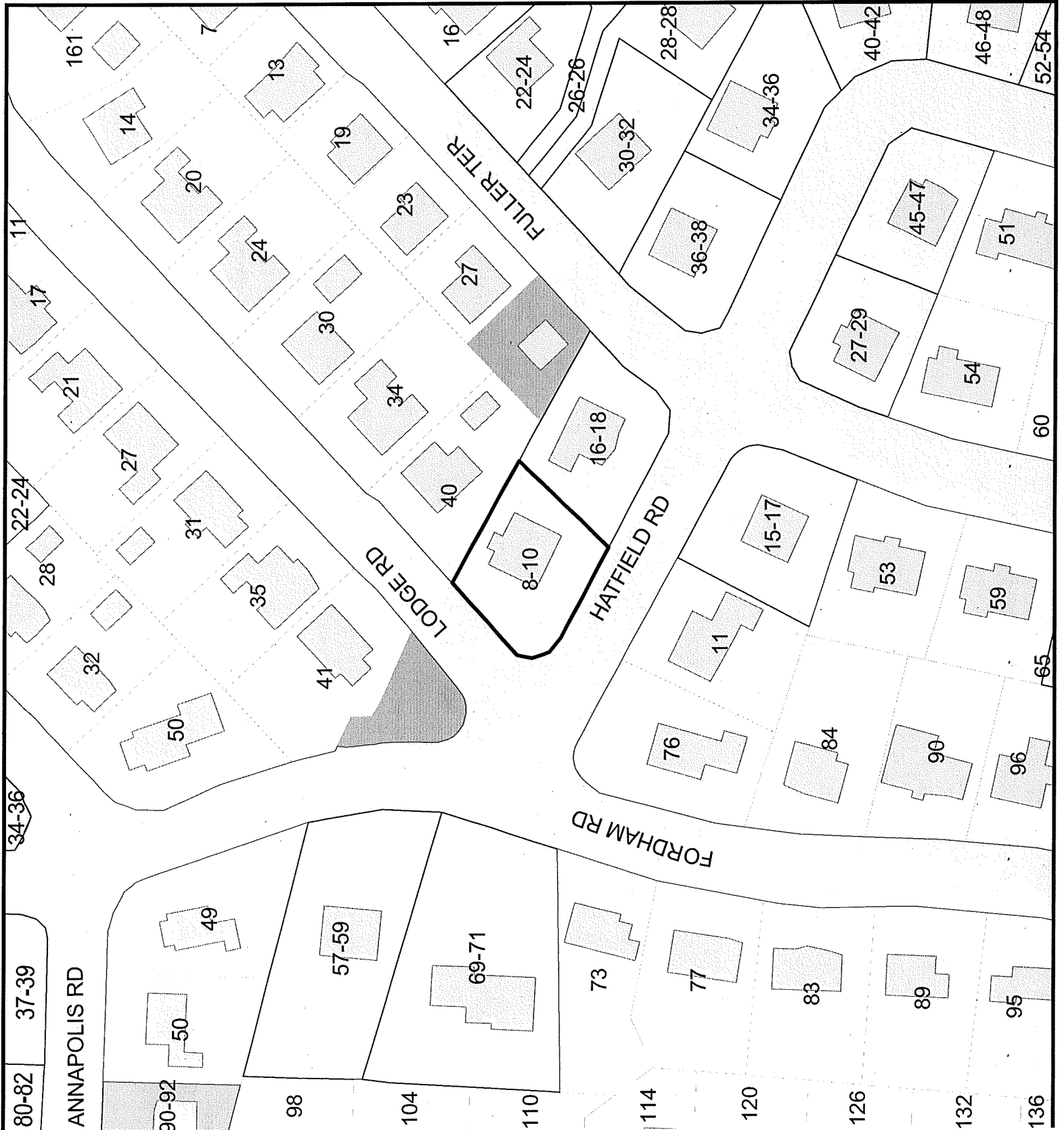
City of Newton,  
Massachusetts



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MAP DATE





## ***Zoning Review Memorandum***

Dt: May 11, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Interim Director of Planning and Development

Cc: Mark J. Salvati, representing Max and Marjorie Schechner  
Ouida Young, Associate City Solicitor

**RE: Request to allow a large shed dormer.**

| <b>Applicant: Max P. and Marjorie Schechner</b> |   |
|---|---|
| <b>Site:</b> 8-10 Hatfield Road                 | <b>SBL:</b> Section 34, Block 18, Lot 1   |
| <b>Zoning:</b> SR-3                             | <b>Lot Area:</b> 7,370 square feet        |
| <b>Current use:</b> Two-family residence        | <b>Proposed use:</b> Two-family residence |

### **Background:**

The subject property consists of a 7,370 square foot lot currently improved with a pre-existing, nonconforming two-family residence. The applicants are proposing to finish the existing attic to add two bedrooms. The following review is based on plans and materials submitted to date as noted below.

### **Plans and materials reviewed:**

- o "Plan of Land in Newton, MA, 8-10 Hatfield Road, Proposed Addition," dated March 30, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
- o "Plan of Land in Newton, MA to accompany the Petition of Max & Marjorie Schechner," dated March 30, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
- o "A2, Renovations to 8-10 Hatfield Road, Newton, MA 02465, drawn by Jonathan Raisz Architect, neither signed nor stamped by a licensed professional, dated November 4, 2004, revisions March 8, 2010

### **Administrative determinations:**

1. The proposed renovation includes adding a shed dormer onto the rear of the house to increase living space in the existing attic. The size of the dormer as shown on the submitted plans is wider than 50% of the length of the exterior wall of the story next below. Per Section 30-15(t)(a) of the Zoning Ordinance, in order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen.

2. The property is in the SR-3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

| <b>SR-3 Zone</b>   | <b>Required/Allowed</b>        | <b>Existing</b>                     | <b>Proposed</b>                            |
|--|--------------------------------|-------------------------------------|--|
| Lot size   | 7,000 sq. ft.                  | 7,370 sq. ft.                       | No change                                  |
| Frontage   | 70 feet                        | 106.18 feet                         | No change                                  |
| Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul> | 25 feet<br>7.5 feet<br>15 feet | 26.8 feet<br>16.2 feet<br>17.7 feet | No change<br>No change<br><b>12.7 feet</b> |
| FAR  | .35                            | Not available*                      | Not available*                             |
| Building Height  | 30 feet                        | 24.7 feet                           | 28.4 feet                                  |
| Maximum Stories  | 2.5                            | 2.5                                 | No change                                  |
| Max. Lot Coverage  | 30%                            | 16%                                 | 17.3%                                      |
| Min. Open Space  | 50%                            | 75%                                 | 74%  |

\* Information not provided by the applicant, but not relevant to this review since additional living space will be added on the half story above the second floor and is therefore not counted in the FAR calculation.

3. The proposed site plan depicts a proposed two-story deck off of the rear of the existing building. The existing rear setback is conforming. The new deck will encroach into the rear setback. In order to build the proposed deck, the proponents must obtain a variance from the Zoning Board of Appeals.
4. The submitted site plan shows an area generally labeled "existing driveway with 4 car parking." There are no individual spaces shown. This area does not appear to be large enough to fit four parking stalls that comply with the dimensional standards outlined in Section 30-19(g) of the Newton Zoning Ordinance. The applicants must either provide evidence that the current parking configuration is legally nonconforming or show four complying parking stalls. If neither of these options can be accomplished for this site, the applicant must obtain a special permit from the Board of Aldermen to waive the dimensional standards for parking stalls per Sections 30-19(g) and 30-19(m).

5. See "Zoning Relief Summary" below:

| <b>Zoning Relief Summary</b> |  |  |
|------------------------------|--|--|
| <b>Ordinance</b>             |  | <b>Action Required</b>                     |
|                              | <b>Building</b>  |  |
| §30-15(t)(a)                 | Allow a dormer wider than 50% of the exterior wall below | SP per §30-24                              |
|                              | <b>Site</b>  |  |
| §30-15, Table 1              | Encroach into the rear setback                           | Variance from ZBA                          |
|                              | <b>Parking</b>   |  |
| §30-19(g), 30-19(m)          | Waive dimensional standards for parking spaces           | SP per §30-24, or show legal nonconforming |

DRAFT  
#139-10 (2)

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
June 27, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow for an oversized dormer, as recommended by the Land Use Committee for the reasons given by the Committee through its chairman, Alderman Ted Hess-Mahan:

1. The proposed dormer addition to the rear façade of the existing two-family structure will be consistent with the scale and design of other structures in the surrounding neighborhood.
2. The proposed attic will not be more than 2/3 of the area of the story next below and will remain a half story.
3. The proposed dormer will allow for a roofline overhang so as to avoid the appearance of an uninterrupted wall plane from the floor below.
4. The proposed dormer allows for an expanded living area with no changes to the footprint of the existing structure.
5. The proposed dormer on the rear façade of the existing single-family residence is consistent with the *2007 Comprehensive Plan*, as the usable space it creates will help meet the lifestyle needs of today's families while maintaining the character of the neighborhood.

PETITION NUMBER: #139-10 (2)

PETITIONER: Max and Marjorie Schechner

LOCATION: 8-10 Hatfield Road, Section 34, Block 18, Lot 1 containing approximately 7,370 sq. ft. of land

OWNER: Max and Marjorie Schechner

ADDRESS OF OWNER: 30 Bonad Rd, Newton, MA

TO BE USED FOR: Two-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-15(t)(a)&(c) to allow for a dormer wider than 50% of the exterior wall below and closer than three feet from the intersection of the roof and the main building end wall; §30-23 for site plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 3 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plans except as provided in Condition #2:
  - “Plan of Land in Newton, MA, 8-10 Hatfield Road, Proposed Addition,” dated March 30, 2010, and revised June 28, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
  - Set of plans, “Renovations to 8-10 Hatfield Road, Newton, MA 02465,” dated November 25, 2010, and prepared by Jonathan Raisz, Architect.
    - “A1 - Proposed Floor Plans”
    - “A2 - Elevations”
    - “A3 - Section”
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
  - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
  - b. submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in digital format.